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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
(SAN FRANCISCO DIVISION)

FINJAN LLC,

Plaintiff,

v.

PALO ALTO NETWORKS, INC.,

Defendant.

Case No. 3:14-cv-04908-JD

**STIPULATION AND [PROPOSED]  
ORDER RE CASE NARROWING  
SCHEDULE**

Hon. James Donato  
Ctm: 11, 9<sup>th</sup> Floor

Pursuant to Civil Local Rule 7-12 and the June 9, 2021 Stipulation and Order Re: Case Narrowing Schedule as Modified by the Court (Dkt. No. 126), Defendant Palo Alto Networks, Inc. (“PAN”) and Plaintiff Finjan LLC (“Finjan”) stipulate to the following case narrowing schedule.

<b><u>Election</u></b>	<b><u>Timing</u></b>	<b><u>Max Claims/ References Per Patent</u></b>	<b><u>Total Claims/ References</u></b>
Second Election of Asserted Claims	January 13, 2023	7	16
Second Election of Asserted Prior Art	January 27, 2023, with the submission of PAN’s Opening Invalidity Report	8	22
Third Election of Asserted Claims and Asserted Prior Art	Parties to meet and confer and submit competing proposal if necessary no less than 10 days after entry of Claim Construction Order. Finjan to make its election no later than 21 days after entry of Claim Construction Order, and PAN to make its election no later than 35 days after entry of Claim Construction Order.	TBD	TBD

Not later than January 13, 2023, Finjan shall serve a Second Election of Asserted Claims, which shall assert from the subset of claims previously identified no more than 7 claims per patent and no more than a total of 16 claims across all Patents-in-Suit. Not later than January 27, 2023, PAN shall serve a Second Election of Asserted Prior Art, which shall assert from the subset of prior art references previously identified no more than 8 references per patent and no more than a total of 22 references across all Patents-in-Suit.<sup>1</sup>

Not later than 10 days after the Court’s entry of a Claim Construction Order, the parties shall meet and confer regarding a possible Third Election of Asserted Claims and Third Election of Asserted Prior Art. At the time of signing of this stipulation, neither party commits that it will

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<sup>1</sup> A prior art instrumentality (such as a device or process) and associated references that describe that instrumentality shall count as one reference, as shall the closely related work of a single prior artist. Any such closely related work shall be used solely for the purposes of describing the prior art instrumentality and shall not be available to be used in combination with other disclosed instrumentalities unless specifically disclosed for those other instrumentalities.

1 propose further reduction in Third Election, only that it will agree to meet and confer. If the  
 2 parties agree on further reduction, they will submit a joint proposal to the Court. If the parties  
 3 disagree, they may submit competing proposals if necessary. Any Third Election of Asserted  
 4 Claims would occur 21 days after entry of the Court's Claim Construction Order. Any Third  
 5 Election of Asserted Prior Art would occur 35 days after entry of the Court's Claim Construction  
 6 Order.

7       Upon a showing of diligence, and with due consideration for prejudice, a party may seek  
 8 to modify the above limits on asserted claims and prior art references for good cause shown. Any  
 9 request to increase these limits must specifically show why the inclusion of additional asserted  
 10 claims or prior art references is warranted. *See In re Katz Interactive Call Processing Patent*  
 11 *Litig.*, 639 F.3d 1303, 1312–13 (Fed. Cir. 2011). A failure to seek such a modification will  
 12 constitute acquiescence to the above limits on asserted claims and prior art references.

13  
 14 DATED: January 3, 2023

/s/Diek O. Van Nort

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**ATTESTATION OF E-FILED SIGNATURE**

I, Diek O. Van Nort, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Roger Denning has concurred in this filing.

Dated: January 3, 2023

/s/ Diek O. Van Nort  
Diek O. Van Nort

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: \_\_\_\_\_

\_\_\_\_\_  
Honorable James Donato  
United States District Court Judge